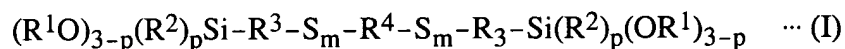


## **AMENDMENTS TO THE CLAIMS**

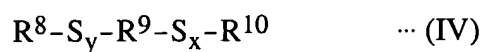
**This listing of claims will replace all prior versions and listings of claims in the application:**

### **LISTING OF CLAIMS:**

1. (original): A rubber composition which comprises, per 100 parts by mass of a polymer, 10 to 200 parts by mass of silica and 1 to 30 parts by mass of a silane compound having sulfur atom represented by average structural formula (I):



wherein  $R^1$  and  $R^2$  each represent a hydrocarbon group having 1 to 4 carbon atoms,  $R^3$  represents a divalent hydrocarbon group having 1 to 15 carbon atoms,  $p$  represents an integer of 0 to 2,  $m$  represents a number of 1 or greater and smaller than 4, which may be an average of numbers, and  $R^4$  represents a divalent functional group represented by one of following general formulae (II) to (IV):



wherein  $R^5$  to  $R^{10}$  represents a linear or branched divalent hydrocarbon group having 1 to 20 carbon atoms, a divalent aromatic group or a divalent organic group having a hetero atom which is not sulfur atom or oxygen atom,  $R^5$  to  $R^{10}$  may represent a same group or different groups,

and **x**, **y** and **z** each represent a number of 1 or greater and smaller than 4, which may be an average of numbers.

2. (original): A rubber composition according to Claim 1, wherein **m** represents 1 in average structural formula (I) representing the silane compound having sulfur atom.

3. (original): A rubber composition according to Claim 1, wherein **x**, **y** and **z** each represent a number of 2 or greater and 3 or smaller, which may be an average of numbers, in general formulae (III) and (IV) representing the divalent functional group.

4. (original): A rubber composition according to Claim 1, wherein **R<sup>4</sup>** represents a divalent functional group represented by general formula (IV) in average structural formula (I) representing the silane compound having sulfur atom.

5. (original): A rubber composition according to Claim 1, wherein, in average structural formula (I) representing the silane compound having sulfur atom, **R<sup>4</sup>** represents a divalent functional group represented by general formula (IV) in which **R<sup>8</sup>**, **R<sup>9</sup>** and **R<sup>10</sup>** each represent hexylene group.

6. (original): A rubber composition according to Claim 1, wherein a purity of the silane compound having sulfur atom is 60% or greater at a time when the silane compound having sulfur atom is mixed to form the rubber composition.

7. (currently amended): A rubber composition according to ~~any one of Claims 1 and 2~~Claim 1, wherein, at a time when the silane compound having sulfur atom is mixed to form the

rubber composition, a content of silane compounds having sulfur atom and three or more silicon atoms in one molecule is 30% by mass or smaller of the rubber composition.

8. (currently amended): A rubber composition according to ~~any one of Claims 1 to 7~~Claim 1, wherein a BET surface area of the silica is 40 to 350 m<sup>2</sup>/g.

9. (currently amended): A rubber composition according to ~~any one of Claims 1 to 8~~Claim 1, wherein the polymer is a diene-based rubber.

10. (currently amended): A tire which comprises a member comprising a rubber composition described in ~~any one of Claims 1 to 9~~Claim 1.

11. (original): A tire according to Claim 10, wherein the member is a tire tread.

12. (new): A rubber composition according to Claim 2, wherein, at a time when the silane compound having sulfur atom is mixed to form the rubber composition, a content of silane compounds having sulfur atom and three or more silicon atoms in one molecule is 30% by mass or smaller of the rubber composition.